

**MINUTES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

***Enoch Adams, Jr., et al. v. Teck Cominco Alaska, Inc.***

THE HONORABLE JOHN W. SEDWICK                      CASE NO. 3:04-00049 CV (JWS)

PROCEEDINGS:                      **ORDER FROM CHAMBERS**                      **June 15, 2006**

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This order addresses the motions at dockets 95 and 130. It also requires notice of the issuance of any new NPDES permit and restricts further briefing.

At docket 95, defendant moves for an order striking references in plaintiffs' motion for partial summary judgment and separate statement of undisputed facts (docket 72) to defendant's responses to certain requests for admission in *Kivalina Relocation Planning Committee v. Teck Cominco Alaska, Inc.*, No. A02-231 CV (JWS) and corresponding exhibits attached to the Declaration of Luke Cole in support of plaintiffs' motion for partial summary judgment. Defendant argues that the references and corresponding exhibits violate the terms of a stipulated order dated July 11, 2005, in this matter. In their reply memorandum in support of motion for partial summary judgment (docket 124), plaintiffs provided references to prior requests for admission and corresponding documents in full compliance with the terms of the July 11, 2005, stipulation and order. Defendant's motion to strike at docket 95 is **DENIED** as moot.

At docket 130 defendant moves for permission to file supplemental materials relating to plaintiffs' pending motion for summary judgment. The materials would be of assistance to the court, and could not have been provided when defendant's briefing was filed. The motion at docket 130 is **GRANTED**. (The court will also consider the supplemental materials filed by plaintiffs at docket 129 without requiring any motion practice regarding the same.)

If the Environmental Protection Agency issues a final NPDES permit which affects any of the discharges that are a subject of this litigation, defendant shall immediately provide a copy to plaintiffs and file a copy with the court. The parties shall not file any supplemental briefing based on that permit, unless requested to do so by the court.

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